

Matter Information	
Matter Name:	Central Sands Dairy, LLC(CSD)
HQ/Region Lead:	Cheryl Burdett
Point of Contact:	Cheryl Burdett, Ryan Bahr, or Dean Maraldo
Date of Briefing:	TBD
Brief Overview of Matter (two or three sentences)	
<h2 style="text-align: center;">Ex. 5 Deliberative Process (DP)</h2>	
Ex. 5 Deliberative Process (DP)	<p>EPA worked with Region 7 using their expertise to assist Region 5 to characterize pollutant travel and groundwater flow pathway up-gradient and down-gradient of CSD's production area and land application fields by boring 41 holes. EPA collected samples at depths primarily between 34-39 feet and 45-49 feet deep for a total of 82 samples. These samples were collected and are being analyzed for nutrients (total phosphorus, nitrate-nitrite, Total Kjeldahl Nitrogen, and Ammonia-Nitrogen), anions, total metals, and nitrates, N15 isotope, and O isotope. EPA also collected from five private wells that were analyzed for nitrate-nitrite, nitrite, chloride, Ammonia-Nitrogen, E.coli, nitrate, N15 isotope, and O isotope.</p> <p>CSD has approximately 5000 Mature Dairy Cows and applies manure and fertilizer to approximately 7000 acres of crop fields. The investigation was conducted the last week of April to measure the potential influence of spring manure application.</p>
Action Requested	
This is dependent upon the sampling analyses. .	
Procedural Posture	
The matter is in the investigation phase only. Following receipt of the sampling results, Region 5 will determine if further action is warranted.	
Summary of Claims and Defenses (with statutory/regulatory citations)	
<p>EPA began investigating CSD because of complaints from a citizen's group known as "Friends of Central Sands", who were concerned about CSD's farming practices. Their investigation led identified private wells with nitrate levels as high as 37.8 mg/L (The public water supply standard is 10.0 mg/L).</p> <p>In June of 2017, EPA conducted a production area inspection and file review to determine if CSD was in compliance with its National Pollutant Discharge Elimination System permit and Nutrient Management Plan.</p>	
<h2 style="text-align: center;">Ex. 5 Deliberative Process (DP)</h2>	
<p>In October of 2017, EPA sampled private wells and found five private wells out of the 15 sampled that had results >20 mg/L of nitrate-nitrite which is over the drinking water standard of 10 mg/L. Potential sources near and surrounding the private wells are land application fields and the production area of CSD.</p> <p>The Wisconsin Department of Agriculture, Trade and Consumer Protection has tested private wells for years and issued letters to citizens to transmit results stating that "... DHS recommends that all people avoid long-term consumption of water having nitrate concentrations greater than 10 mg/L."</p>	
Discussion of Compliance-related Injunctive Relief Sought (linked to statutory/regulatory citations)	

Ex. 5 Deliberative Process (DP)

Discussion of Mitigation-related Injunctive Relief Sought (identifying harm from statutory/regulatory violations)

Ex. 5 Deliberative Process (DP)

Discussion of SEPs (if any) and Penalties Sought

NA

State Position on Matter

There has been significant coordination with State program counterparts. WDNR is aware of the previous inspection and ongoing investigation and supports the investigation at the program level. The State had previously tried to characterize the impacts from the facility but claims to lack authority to conduct the necessary investigation.

Significant or Precedential Issues

Ex. 5 Deliberative Process (DP)

Other